IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 19213 of 2004

Between:

Surender Paryani, S/o.Laxmichand,
R/o.plot No.8, Sindhi Colony, S.P.Road, Secunderabad, Hyderabad.

... PETITIONER

AND

1 Inspector of Police, Abids police Station, Abids, Hyderabad.
2 Satyanarayana, S/o.Y.Appanna, Shed No.30 TIE, Balanagar, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly a writ in the nature of writ of Mandamus declaring the action of the first respondent in not investigating into the case in Crime No.242/ 2004 on the file of Abids police station, Hyderabad and filing charge as illegal and arbitrary and consequently direct the police to investigate into the case and file charge sheet.

Counsel for the Petitioner: MR.A.RAVI SHANKAR

Counsel for the Respondent No.1: GP FOR HOME

Counsel for the Respondent No.2: ---NONE APPEARED---

The Court made the following order:

ORDER:

Petitioner seeks a Writ of Mandamus declaring the action of the first respondent in not investigating into the case in Crime No.242 of 2004 on the file of Abids Police Station, Hyderabad as illegal and a direction to the first respondent to file the charge sheet.

It is submitted that the petitioner forged the signatures of one Mr. Gopu Raja Reddy and issued a cheque for Rs. 2 Lakhs. On a complaint filed by the said Gopu Raja Reddy, the Metropolitan Magistrate, Hyderabad, issued a Memo dated 11.07.2003 and on receipt of the same the first respondent registered a case in Cr.No.253 of 2003 for the offence under Section 420 IPC on 17.07.2003 against the petitioner and one Mr. Ch. Ashok Reddy. The said Gopu Raja Reddy did not attend the station along with the witnesses and documents to enable the first respondent to proceed with further investigation. Therefore, the investigation in the above crime is still pending for want of examination of the witness.

Pursuant to a Memo issued by the IV Metropolitan Magistrate, Hyderbad on 12.03.2004 a case in Cr.No.242 of 2004 under Sections 419, 420, 468, 471 and 120.B IPC was registered by the first respondent and taken up for investigation, wherein the petitioner is the complainant, which is still pending.

If that be so, I do not see any justification on the part of the first respondent in not

completing the investigation in both the cases.

Having regard to the facts and circumstances of the case, the first respondent is directed to complete the investigation in Cr.No.253 of 2003 as well as in Cr.No.242 of 2004 on the file of the Abids Police Station, Hyderabad and file the final report as expeditiously as possible preferably within a period of four months from the date of receipt of this order.

The writ petition is accordingly disposed of with the above direction. No costs.

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V. ESWARAIAH, J

April 26, 2005

Dsk

To

1 Inspector of Police, Abids police Station, Abids, Hyderabad.

2 Two CCs to GP For Home, High Court Buildings, Hyderabad (OUT)

Two CD Copies.